

# JAMES IRRIGATION DISTRICT

BOARD OF DIRECTORS - REGULAR MEETING

## MINUTES December 14, 2021

### ATTENDANCE

#### DIRECTORS PRESENT

Riley Chaney, President  
Jeremy Hughes, Vice-President  
Robert Motte, Secretary-Treasurer  
Micah Combs

#### LANDOWNERS / GROWERS

Gerald Kinnunen  
Wanda Mancini (Zoom)  
Ben Jertberg, Andasol (Zoom)  
Tom Coleman (Zoom)  
Allan Fettes (Zoom)  
Area Code 307, Wyoming (Zoom)

#### EXCUSED

Robert Barcellos, Assessor

#### ABSENT

None

#### PUBLIC / CONSULTANTS

- WATER WISE  
Sarah Woolf (Zoom)
- McMULLIN AREA GROUNDWATER SUSTAINABILITY AGENCY  
Matt Hurley, General Manager (Zoom)

#### STAFF PRESENT

Manny Amorelli, General Manager  
Walter Flores, Office Manager  
Donna Hanneman, Executive Assistant  
Kenneth Mancini, Superintendent  
(Arr.10:08 a.m.)

#### LEGAL COUNSEL

- YOUNG WOOLDRIDGE, LLP  
Alan F. Doud, Esq. (Zoom)

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### **I. CALL TO ORDER**

A Regular Meeting of the Board of Directors of JAMES IRRIGATION DISTRICT ("District") was held Tuesday, December 14, 2021, in the District office located at 8749 Ninth Street, San Joaquin, California. The meeting was called to order at 10:05 a.m., by President, Riley Chaney. A quorum was at all times present and acting.

This meeting was conducted in accordance with the Governor's Executive Order N-29-20 and the declared State of Emergency as a result of the threat of COVID-19 virus pandemic. Members of the public were encouraged to access the meeting via internet/Zoom or use the call-in number to allow them to fully participate in the meeting without having to be present.

### **II. RESOLUTION 2021-07 RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS UNDER AB361**

No action taken.

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## III. OTHER BUSINESS / PUBLIC COMMENTS

### A. PUBLIC COMMENTS

None.

### B. MOMENT OF SILENCE

A moment of silence was observed to honor the passing of STANLEY D. BULLA, III, (1942-2021) long-time resident/landowner.

### C. ADDITIONS / CORRECTIONS TO THE AGENDA

There were no corrections/additions to the Agenda.

### D. POTENTIAL CONFLICTS OF INTEREST [FPPC §87105]

Directors were given an opportunity to identify potential conflicts-of-interest with items appearing on the Agenda.

- ▶ Director Robert Motte declared he had a conflict-of-interest in association with Agenda Items IV, V. and XIV.B.4., and stated he would be recusing himself from discussing and/or initiating any action as the subject property is owned by his father's trust.

### E. ELECTION OF OFFICERS

M/S/C(R.MOTTE/J.HUGHES), to RE-ELECT the following slate of officers(no changes) by the following vote:

**AYES:** 4 (R.Motte, J.Hughes, M.Combs, R.Chaney)

**EXCUSED:** 1 (R.Barcellos)

#### a. James Irrigation District:

(1) President	Riley Chaney
(2) Vice-President	Jeremy Hughes
(3) Secretary-Treasurer	Robert Motte
(4) Assessor-Collector	Robert Barcellos

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## F. AGENCY APPOINTMENTS

M/S/C(R.MOTTE/J.HUGHES), to RE-APPOINT representatives as indicated (no changes) by the following vote:

**AYES:** 4 (R.Motte, J.Hughes, M.Combs, R.Chaney)

**EXCUSED:** 1 (R.Barcellos)

**ABSENT:** None

### 1. James Irrigation District Retirement Plan & Deferred Compensation Plan

- (1) Micah H. Combs
- (2) Robert Motte
- (3) Manny Amorelli

### 2. James Groundwater Sustainability Agency Representatives:

- (1) Manny Amorelli, Executive Director
- (2) Micah H. Combs
- (3) Robert Motte
- (4) Sal Parra, Jr.

### 3. San Luis & Delta-Mendota Water Authority, District 5

- (1) Director Manny Amorelli
- (2) Alternate Director Riley Chaney

### 4. Kings River Water Association

- (1) Director Manny Amorelli
- (2) Alternate Director Robert Motte

### 5. Kings River Watershed Coalition Authority

- (1) Director Robert Barcellos
- (2) Alternate Director Manny Amorelli

### 6. Upper Kings Basin Integrated Regional Water Management Authority (aka: Kings Basin Water Authority)

- (1) Director: Manny Amorelli
- (2) Alternate Director: Robert Motte

### 7. Power & Water Resources Pooling Authority

- (1) Director Manny Amorelli
- (2) Alternate Director Jeremy S. Hughes

### 8. Association of California Water Agencies Joint Powers Insurance Authority (ACWA/JPIA)

- (1) Director Riley Chaney
- (2) Alternate Director Manny Amorelli

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CITING A POTENTIAL CONFLICT-OF-INTEREST (SEE ABOVE), DIRECTOR ROBERT MOTTE EXCUSED HIMSELF FROM THE MEETING AT 10:07 A.M., PRIOR TO THE BOARD'S CONSIDERATION OF THE FOLLOWING MATTER.

## IV. HEARING ON RESOLUTION 2021-08 RESOLUTION OF NECESSITY TO ACQUIRE AN EASEMENT FOR NEW WELL LOCATION BY EMINENT DOMAIN, FRESNO COUNTY APN 030-370-32

- ▶ General Counsel, Alan Doud, stated an offer was made to the Frank V. Motte Testamentary Trust.
- ▶ No public comments were received.
- ▶ The hearing was closed.

## V. RESOLUTION 2021-08 RESOLUTION OF NECESSITY TO ACQUIRE AN EASEMENT FOR NEW WELL LOCATION BY EMINENT DOMAIN AT DECEMBER 14, 2021, PUBLIC HEARING BEFORE THE JAMES IRRIGATION DISTRICT BOARD OF DIRECTORS, FRESNO COUNTY APN 030-370-32 (Att.1)

M/S/C (J.HUGHES / M.COMBS), to ADOPT RESOLUTION 2021-08 AUTHORITY FOR ACTION IN EMINENT DOMAIN TO ACQUIRE FEE SIMPLE INTERESTS IN REAL PROPERTY FOR UTILITY DISTRICT PURPOSES

as follows:

AYES: 3 (J.Hughes, M.Combs, R.Chaney)  
NAYS: 0  
ABSTAIN: 0  
EXCUSED: 2 (R.Barcellos, R.Motte)  
ABSENT: 0

DIRECTOR ROBERT MOTTE RETURNED TO THE MEETING AT 10:11 A.M. AND WAS ADVISED OF THE ACTION TAKEN.

## VI. MINUTES

### A. REGULAR MEETING: NOVEMBER 9, 2021

M/S/C (M.COMBS / R.MOTTE), to APPROVE as written by the following vote:

AYES: 4 (M.Combs, R.Motte, J.Hughes, R.Chaney)  
EXCUSED: 1 (R.Barcellos)

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## VII. TREASURER'S REPORT

In accordance with Water Code §24273, Mr. Amorelli presented reports as follows:

### A. FINANCIAL REPORTS

1. Interim Warrants: November 10-December 14, 2021 (Att.2)

Interim Warrants (bills paid) with supporting invoices were presented for review/approval. M/S/C (J.HUGHES / R.MOTTE), to RATIFY/APPROVE Interim Warrants totaling \$417,118.68 by the following vote:

**AYES:** 4 (J.Hughes, R.Motte, M.Combs, R.Chaney)

**EXCUSED:** 1 (R.Barcellos)

2. Accounts Payable

Not available. Invoices will be paid as interim and reported next meeting.

3. Payroll Certification: Pay Periods Ending November, 2021 (Att.3)

A listing of payroll checks totaling \$63,456.27 (net) issued to employees and Board members for pay periods ending November, 2021, was reviewed and certified by the President, General Manager and Office Manager.

4. Income Statements (Budget-to-Actual): Period Ending November 30, 2021

- ▶ Power Costs - Reviewed reports. Concerns expressed for 2021-22 power budget overage, implications of impending PG&E rate increases before the California Public Utilities Commission and the potential impact on District projections.
- ▶ Fees-Outside Services - Requested "(Legal, Audit, Engineering)" be added to description for clarification purposes.

5. Cash Position Report: November 30, 2021

6. Accounts Receivable Activity Report: November 30, 2021

## VIII. GENERAL MANAGER'S REPORT

Mr. Amorelli presented his verbal report encompassing operations, maintenance, projects and other District matters for the month of November, 2021, as follows:

### OPERATIONS

- ▶ Water Deliveries: November, 2021 - Water deliveries for the month of November were 1,258 acre-feet which is 1,276 acre-feet less than was delivered during November, 2020. The fiscal year-to-date total deliveries are at 51,228 acre-feet which is 282 acre-feet less than was delivered at this time during the last fiscal year.

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- ▶ Weekly TDS Readings: November 15, 2021

## MAINTENANCE

- ▶ Replacement Wells
  - Arthur & Orum drilled two test wells for replacement wells D-81 and D-82. E-log data was forwarded to Ken Schmidt for analysis, resulting in his recommendation to drill above the Corcoran clay layer. It was the consensus of the Board to proceed accordingly.
  - Requested information comparing the cost of a diesel booster versus generator.
- ▶ Weed Control - Simplot has finished spraying Laterals M and N.

## PROJECTS

- ▶ Solar Project: White Pine Renewables (K Basin) -
  - The contract for the 1 mW project contract was signed/submitted.
  - Started the survey last week for CEQA.
- ▶ Basins C & E - Quotes from Wood Bros. for basin expansions are pending.

## AGENCIES

- ▶ San Luis & Delta-Mendota Water Authority (SLDMWA) - During the last Water Authority meeting, a telephone conference was held with Michael Jackson, Area Manager, Mid-Pacific Region, USBR, inquiring if contractors will be able to reschedule CVP water into the next contract year. Mr. Jackson advised that no carryover will be permitted. Under the circumstances, it is fortunate that James ID has utilized all of its contract water.
- ▶ Kings Basin Water Authority has been awarded a \$7 million grant as it the Kings GSA is considered to be a critically overdrafted basin. The funds will be apportioned to member GSAs and the James GSA may receive as much as \$1 million which may be utilized to complete recharge basins at Floral Avenue.
- ▶ McMullin Area Groundwater Sustainability Agency (MAGSA) - Mr. Amorelli thanked General Manager, Matt Hurley, for contributing to the dialogue on developing a cooperative relationship between James and MAGSA.

## ADMINISTRATIVE ITEMS

- ▶ Water Sale: Brett Sills - Looking to purchase water to apply to game refuge land south of Lateral A for recharge purposes.
- ▶ Equipment
  - Wheeled Excavator demonstrator has been delivered by Quinn Company and is currently being utilized for various maintenance activities.
- ▶ Power Projections: FY 2022-2023 - Reviewed a report estimating power projections for FY 2022-2023 with PG&E rate increases slated at 15% and 18% and including potential savings upon activation of the K Basin Solar Project.
- ▶ ACWA Fall Conference: November 30-December 3, 2021 - Attended conference and met with Ernest Conant, Regional Director, USBR, exploring online grower portal.

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- ▶ 54<sup>th</sup> Annual Mid-Pacific Water Users Conference will be held January 19-21, 2022, at the Silver Legacy Resort, Reno, Nevada. Informational packets were distributed.

## IX. SUPERINTENDENT'S REPORT

Kenneth Mancini reported on operations, maintenance and projects as follows:

- ▶ Maintenance
  - Typical winter maintenance activities are proceeding.
  - A long-crested weir is being constructed on western portion of Lateral C.
  - Canal banks are being built up.
  - Well maintenance & repairs are progressing.
- ▶ Main Canal Crossings - Recently the excavator crossed the bridge on the Main Canal levee road at Lateral H when the bridge collapsed; temporary repairs are being made. Upon inspection, it appears there are more crossings that may need to be reinforced/replaced.
- ▶ Wheeled Excavator - Discussed pros/cons staff has recently observed with the wheeled excavator rented from Quinn. Compared the purchase price versus monthly rental rate. Debated whether the unit would be sufficiently utilized to justify a purchase. It was the consensus of the Board to rent the unit for 1-2 months for now.
- ▶ 2021 Final Water Deliveries went well.

## X. DIRECTORS' REPORTS

None were presented.

## XI. ACTION ITEMS

### A. WATER POLICY: PURCHASE OF CLASS II WATER (07/13/2021)

Director Robert Motte discussed the concept of purchasing surplus flood water solely for the purpose of groundwater banking after flood flows. Having a policy in place would guide staff if/when the opportunity arises. The Board requested Messrs. Amorelli and Motte collaborate to draft a policy for Board review.

### B. MAIN CANAL FEASIBILITY STUDY (12/14/2021)

Reviewed proposal for "Engineering Services for Main Canal Feasibility Study" provided by Provost & Pritchard Consulting Group. (Att.4) The intended goal would be to increase flow by making improvements to the checks and booster stations along the Main Canal in order to increase capacity and expand conveyance in greater volume into/through the District. Messrs. Amorelli & President Chaney agreed to hold a conference call with Eric Abrahamsen, Provost & Pritchard to discuss in greater detail.

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## MAIN CANAL FEASIBILITY STUDY (Continued)

M/S/C (R.MOTTE / J.HUGHES), to AUTHORIZE PROVOST & PRITCHARD CONSULTING GROUP TO PROVIDE ENGINEERING SERVICES TO STUDY INCREASING FLOW IN THE MAIN CANAL BY MAKING IMPROVEMENTS TO CHECKS AND BOOSTER STATIONS AT \$40,000-\$50,000 EXCLUDING REIMBURSABLE EXPENSES by the following vote:

**AYES:** 4 (R.Motte, J.Hughes, M.Combs, R.Chaney)

**EXCUSED:** 1 (R.Barcellos)

## C. WELL REPAIR & MAINTENANCE (12/14/2021)

Reviewed proposal submitted by WellJet to rehabilitate Well D-53/Coalinga and Well D-60/K Basin by pressure-based jetting to remove deposits on perforated well casings. (Att.5) Mr. Amorelli noted WellJet rehabilitated Well D-43/Kerman and production was significantly increased. Discussed TDS readings of both wells and requested guidance from the Board.

M/S/C (M.COMBS / R.MOTTE), to AUTHORIZE WELLJET TO PROCEED WITH REHABILITATION OF WELL D-60/K BASIN AT \$55,300.00 by the following vote:

**AYES:** 4 (M.Combs, R.Motte, J.Hughes, R.Chaney)

**EXCUSED:** 1 (R.Barcellos)

## D. FUTURE PROPOSITION 218 ELECTIONS: WATER RATES (12/14/2021)

President Riley Chaney expressed concern that the District is prevented from increasing water rates above the current \$140/acre-foot (Resolution 2011-02, 02/15/2011). While it was hoped rates could be reduced following implementation of the assessment increase supported by the vote of District landowners (Resolution 2021-05, 10/12/2021), there are concerns that San Joaquin River Riparian Rights water won't be available for 2022 as well as a zero CVP allocation, PG&E rate increases and other inflationary pressures.

Should the Board wish to proceed, Counsel Alan Doud advised the Proposition 218 process for changing water rates and the time frame required to place the question before District landowners is similar to that of assessments; however, an Engineering Report would not be required.

If constructed & activated this year, it is possible the K Basin Solar Project could positively impact the power budget. Given these considerations, it was the consensus of the Board to:

- ▶ Maintain current water rates and, only if needed, draw on reserves, then work to replenish reserves later.
- ▶ Requested this item remain on the Agenda.



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E. ON-FARM GROUNDWATER RECHARGE POLICY (11/09/2021)

Director Robert Motte suggested the Board consider developing an on-farm recharge program that would allow flood irrigation in-lieu of drip on permanent crops to achieve recharge credits. Billing rates would be adjusted accordingly. It was the consensus of the Board to have Messrs. Motte and Amorelli jointly draft a policy for Board review/approval.

F. EMPLOYEE RETIREMENT: AGUSTIN VERDUZCO (12/14/2021)

Arrangements to honor Mr. Verduzco's 27+ years of service (1994-2021) were discussed.

- ▶ Gift Certificate - Proposed a \$1,000.00 gift certificate be awarded for his many years of service. Director Combs objected feeling the amount should be greater.

M/S/C (R.CHANEY / R.MOTTE), to AUTHORIZE \$1,000.00 GIFT CERTIFICATE BE AWARDED TO AGUSTIN VERDUZCO HONORING HIS LOYAL SERVICE TO THE DISTRICT'S LANDOWNERS & GROWERS by the following vote:

**AYES:** 3 (R.Chaney, R.Motte, J.Hughes)

**NAYS:** 1 (M.Combs)

**EXCUSED:** 1 (R.Barcellos)

- ▶ Dinner - Plans are to schedule a dinner mid-January, 2022; arrangements are pending.

## XII. REPORT ITEMS

A. RULES & REGULATIONS GOVERNING WATER DISTRIBUTION & CANAL MAINTENANCE (07/13/2021)

Mr. Amorelli has been advised by General Counsel, Alan Doud, that he has reviewed/approved amendments recommended by this Board on July 13, 2021. (Att.6)

**ADJOURNED TO CLOSED SESSION AT 11:37 A.M.**

Directors Attending:

Riley Chaney, President

Jeremy Hughes, Vice-President

Robert Motte, Secretary-Treasurer

Micah Combs, Director

Staff Attending

Manny Amorelli, General Manager

Legal Counsel

- Young Wooldridge, LLP  
Alan F. Doud, Esq. (Zoom)

## XIII. CLOSED SESSION: GOVERNMENT CODE §54956.9 - CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

4 CASES

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## XIV. CLOSED SESSION: GOVERNMENT CODE §54956.9 - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

### A. AS DEFENDANT: 2 CASES

1. NATURAL RESOURCES DEFENSE COUNCIL, ET AL, V HAALAND, ET AL  
U.S. District Court for the Eastern District of California  
Case No. 1:5-CV-01207LJO-GSA
2. CENTER FOR BIOLOGICAL DIVERSITY, RESTORE THE DELTA AND PLANNING & CONSERVATION LEAGUE V UNITED STATES BUREAU OF RECLAMATION ET AL (06/08/2021)  
United States District Court, Eastern District of California  
Case No. 1:20-CV-00706 DAD-E.G.

### B. AS PLAINTIFF: 4 CASES

1. KINGS RIVER WATER ASSOCIATION ET AL V. JAMES VERBOON ET AL  
Kings County Superior Court, Case No. 15 C0304
2. JAMES IRRIGATION DISTRICT VS. KINGS RIVER WATER ASSOCIATION ET AL  
Fresno County Superior Court Case No. 19CECG00769
3. JAMES IRRIGATION DISTRICT V. WESTLANDS WATER DISTRICT  
Fresno County Superior Court Case No. 20CECG00688
4. FRESNO COUNTY APN 030-370-32S  
Eminent Domain proceedings for District wellsite on property owned by the Frank V. Motte Testamentary Trust

### C. AS INTERVENOR: 1 CASE

1. CITY OF FRESNO, ET AL V. UNITED STATES OF AMERICA  
United States Court of Federal Claims, Case No. 1:16-CV-01276-MCW

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## XV. CLOSED SESSION: GOVERNMENT CODE §54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

### A. JAMES & TRANQUILLITY NEGOTIATIONS

Negotiating Parties: James Irrigation District: General Manager/Designee

Tranquillity Irrigation District: Danny Wade

Kings River Lower River Units: Scott Sills

Under Negotiation: Price, terms & conditions of possible real property and/or water supply transactions

### B. WATER BANKING & TRANSFERS (04/19/2018)

Negotiating Parties: James Irrigation District: General Manager/Designee

Various CVP Contractors: General Managers or Designees

Under Negotiation: Price, terms and conditions of possible water supply transactions.

### C. WATER BANKING & TRANSFERS (06/22/2021)

Negotiating Parties: James Irrigation District: General Manager/Designee

McMullin Groundwater Sustainability Agency

Under Negotiation: Price, terms and conditions of possible water supply transactions.

### D. FRESNO COUNTY APN #030-370-32S (05/11/2021)

Negotiating Parties: James Irrigation District: General Manager/Designee

Landowner: The Frank V. Motte Testamentary Trust

Under Negotiation: Price, terms and conditions of possible real property and/or water supply transactions.

**RECONVENED IN OPEN SESSION AT 12:00 P.M.**

## XVI. REPORT ON ACTIONS TAKEN DURING CLOSED SESSION

No reportable actions were taken during the Closed Session.

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## XVII. ADJOURN

There being no further business to come before the Board, the meeting was ADJOURNED at 12:01 p.m., until the next Regular Meeting scheduled for Tuesday, January 11, 2022.

RECORDED BY:

APPROVED BY:

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Donna Y. Hanneman, Executive Assistant

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Riley Chaney, President

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Manny Amorelli, General Manager

## ATTACHMENTS:

1. Resolution 2021-08 Resolution of Necessity to Acquire an Easement for New Well Location by Eminent Domain at December 14, 2021, Public Hearing Before the James Irrigation District Board of Directors, Fresno County APN 030-370-32, Adopted December 14, 2021
2. Interim Warrants: November 10-December 14, 2021, \$417,118.68
3. Payroll Certification: Pay Periods Ending November, 2021, \$63,456.27 (net)
4. Proposal: Engineering Services for Main Canal Feasibility Study, Provost & Pritchard Consulting Group, November 5, 2021
5. Proposal: Rehabilitation of D-53 and D-60, WellJet, November 11, 2021
6. Rules & Regulations Governing Water Distribution & Canal Maintenance, Approved July 13, 2021